

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SYLVESTER MARTIN,	:	CIVIL NO. 1:13-CV-0203
	:	
Plaintiff	:	(Judge Rambo)
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	(Magistrate Judge Carlson)
	:	
Defendant	:	

M E M O R A N D U M

Before the court is Plaintiff Sylvester Martin's motion for action to compel an officer of the United States to perform his duty (28 U.S.C. § 1361) (Doc. 38), and a "motion to altering [sic] or amending a judgment pursuant to F.R.Civ.P. Rule 59(e)" (Doc. 39). The government has filed a brief in opposition to the motion to alter or amend judgment. No reply has been filed. For the reasons stated by the United States, the motion will be denied.

The United States has correctly cited the requirements for granting such relief: (1) an intervening change in the controlling has occurred; (2) evidence not previously available has become available; or (3) it is necessary to correct a clear error of law or to prevent manifest injustice. The United States has addressed these elements and argues that Martin has failed to meet these elements. This court agrees and adopts the reasoning of the United States in its brief in opposition to Plaintiff's motion to alter or amend (Doc. 41). The motion for mandamus (Doc. 38) is moot. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: July 14, 2014.